

**SUPPORTING STATEMENT FOR
EPA INFORMATION COLLECTION REQUEST NUMBER 1189.05
IDENTIFICATION, LISTING AND RULEMAKING PETITIONS**

January 16, 1998

TABLE OF CONTENTS

EXECUTIVE SUMMARY

1.	IDENTIFICATION OF THE INFORMATION COLLECTION	1
1(a)	<u>TITLE OF THE INFORMATION COLLECTION</u>	1
1(b)	<u>SHORT CHARACTERIZATION/ABSTRACT</u>	1
2.	NEED FOR AND USE OF THE COLLECTION	2
2(a)	<u>NEED/AUTHORITY FOR THE COLLECTION</u>	2
2(b)	<u>PRACTICAL UTILITY/USERS OF THE DATA</u>	4
3.	NONDUPLICATION, CONSULTATIONS, AND OTHER COLLECTION CRITERIA	5
3(a)	<u>NONDUPLICATION</u>	5
3(b)	<u>PUBLIC NOTICE REQUIRED PRIOR TO ICR SUBMISSION TO OMB</u>	5
3(c)	<u>CONSULTATIONS</u>	5
3(d)	<u>EFFECTS OF LESS FREQUENT COLLECTION</u>	5
3(e)	<u>GENERAL GUIDELINES</u>	6
3(f)	<u>CONFIDENTIALITY</u>	6
3(g)	<u>SENSITIVE QUESTIONS</u>	6
4.	THE RESPONDENTS AND THE INFORMATION REQUESTED	6
4(a)	<u>RESPONDENTS/SIC CODES</u>	6
4(b)	<u>INFORMATION REQUESTED</u>	7
5.	THE INFORMATION COLLECTED -- AGENCY ACTIVITIES, COLLECTION METHODOLOGY, AND INFORMATION MANAGEMENT	22
5(a)	<u>AGENCY ACTIVITIES</u>	22
5(b)	<u>COLLECTION METHODOLOGY AND MANAGEMENT</u>	23
5(c)	<u>SMALL ENTITY FLEXIBILITY</u>	24
5(d)	<u>COLLECTION SCHEDULE</u>	24
6.	ESTIMATING THE BURDEN AND COST OF THE COLLECTION	24
6(a)	<u>ESTIMATING RESPONDENT BURDEN</u>	24
6(b)	<u>ESTIMATING RESPONDENT COSTS</u>	25
6(c)	<u>ESTIMATING AGENCY BURDEN AND COST</u>	25
6(d)	<u>ESTIMATING THE RESPONDENT UNIVERSE AND TOTAL BURDEN AND COST</u>	28
6(e)	<u>BOTTOM LINE BURDEN HOURS AND COST TABLES</u>	39
6(f)	<u>REASONS FOR CHANGE IN BURDEN</u>	40
6(g)	<u>BURDEN STATEMENT</u>	41

TABLE OF CONTENTS (CONT'D)

1.	EXHIBITS 1- ANNUAL ESTIMATED AGENCY BURDEN AND COSTS	26
2.	EXHIBITS 2- READING THE REGULATIONS-ANNUAL ESTIMATED RESPONDENT BURDEN AND COST	29
3.	EXHIBITS 3- RULEMAKING PETITIONS-ANNUAL ESTIMATED RESPONDENT BURDEN AND COST	30
4.	EXHIBITS 4- SOLID WASTE AND BOILER VARIANCE REQUIREMENTS- ANNUAL ESTIMATED RESPONDENT BURDEN AND COST	32
5.	EXHIBITS 5- EXCLUSIONS FROM THE DEFINITION OF HAZARDOUS WASTE- ANNUAL ESTIMATED RESPONDENT BURDEN AND COST	35
6.	EXHIBITS 6- HAZARDOUS WASTE LISTING EXEMPTIONS- ANNUAL ESTIMATED RESPONDENT BURDEN AND COST	37
7.	EXHIBITS 7- TOTAL ANNUAL ESTIMATED RESPONDENT BURDEN	37
8.	EXHIBITS 8- TOTAL ANNUAL ESTIMATED RESPONDENT BURDEN	40
9.	EXHIBITS 9- AVERAGE RESPONDENT BURDEN	41

EXECUTIVE SUMMARY

This Information Collection Request (ICR) supporting statement summarizes the estimated reporting and recordkeeping burden placed upon both respondents and implementing agencies for developing and reviewing rulemaking petitions, solid waste and boiler variances, hazardous waste exclusions, and hazardous waste listing exemptions under 40 CFR Parts 260 and 261. EPA estimated the number of respondents performing each activity by reviewing Agency records and using best professional judgment. For example, EPA counted the number of rulemaking petitions in 1996-97 and counted the current number of submitted petitions, sampling plans, and anticipated petitions to develop an estimate of the number of petitions likely to be submitted.

EPA also consulted with fewer than ten respondents to obtain estimates of the burden associated with developing, reporting, and maintaining information under these provisions. EPA has averaged these burden estimates for the purpose of this ICR. Agency burden estimates also were developed by obtaining data from EPA staff with program experience. All burden estimates are presented in Section 6 of this ICR.

The total annual respondent burden has decreased to 18,670 hours from 39,937 hours in the previously approved ICR. This decrease is due primarily to smaller burden estimates for some activities, especially those relating to rulemaking petitions. The number of petitions has decreased and many facilities are using contractors to prepare the petitions, resulting in a decrease of hours.

1. IDENTIFICATION OF THE INFORMATION COLLECTION

1(a) TITLE OF THE INFORMATION COLLECTION

This information collection request (ICR) is entitled "Identification, Listing, and Rulemaking Petitions," ICR number 1189.05.

1(b) SHORT CHARACTERIZATION/ABSTRACT

In the Resource Conservation and Recovery Act (RCRA), as amended, Congress directed the U.S. Environmental Protection Agency (EPA) to implement a comprehensive program for the safe management of hazardous waste. In addition, Congress wrote that "[a]ny person may petition the Administrator for the promulgation, amendment or repeal of any regulation" under RCRA (Section 7004(a)).

40 CFR Parts 260 and 261 contain provisions that allow regulated entities to apply for petitions, variances, exclusions, and exemptions from various RCRA requirements. These provisions are discussed, in turn, in this section.

RULEMAKING PETITIONS

In Section 7004(b)(1), Congress directed the Administrator to develop and publish minimum guidelines for public participation in rulemaking petition processes. 40 CFR Part 260, Subpart C establishes procedures for submitting rulemaking petitions. Under §260.20(b), all rulemaking petitioners must submit basic information with their demonstrations, including name, address, and statement of interest in the proposed action. Under §260.21, all petitioners for equivalent testing or analytical methods must include specific information in their petitions and demonstrate to the satisfaction of the Administrator that the proposed method is equal to or superior to the corresponding method in terms of its sensitivity, accuracy, and reproducibility. Under Section 260.22, petitions to amend Part 261 to exclude a waste produced at a particular facility (more simply, to delist a waste) must meet extensive informational requirements. When a petition is submitted, the Agency reviews materials, deliberates, publishes its tentative decision in the Federal Register, and requests public comment. EPA also may hold informal public hearings (if requested by an interested person or at the discretion of the Administrator) to hear oral comments on its tentative decision. After evaluating all comments, EPA publishes its final decision in the Federal Register.

SOLID WASTE AND BOILER VARIANCE REQUIREMENTS

In 1985, EPA promulgated regulations governing procedures and informational requirements for variances from classification as a solid waste or for classification as a boiler in §§260.30 - .33. Sections 260.30, .31, and .33 comprise the standards, criteria, and procedures for variances from classification as a solid waste for three types of materials: materials that are collected speculatively without sufficient amounts being recycled; materials that are reclaimed and then reused within the original primary production process in which they were generated; and materials that have been reclaimed, but must be reclaimed further before the materials are completely recovered. In §260.32 and .33, EPA promulgated regulations governing the procedures and criteria for obtaining a variance for classification as a boiler. This variance is available to owner/operators of enclosed flame combustion devices.

HAZARDOUS WASTE EXCLUSIONS

Sections 261.3 and §261.4 contain provisions that allow generators to obtain a hazardous waste exclusion for certain types of wastes. Facilities applying for these exclusions must either submit supporting information or keep detailed records. Under §261.3(a)(2)(iv), generators may obtain a hazardous waste exclusion for wastewater mixtures subject to Clean Water Act regulation. Under §261.3(c)(2)(ii)(C), generators may obtain an exclusion for certain nonwastewater residues resulting from high metals recovery processing (HTMR) of K061, K062, and F006 waste. In addition, under §261.4(b)(6), generators of chromium-containing waste may obtain a hazardous waste exclusion under certain conditions.

Also addressed under this section is the shipment of samples between generators and laboratories for the purpose of testing to determine its characteristics or composition. Sample handlers who are not subject to DOT or USPS shipping requirements must comply with the information requirements of §261.4(d)(2).

In 1988, EPA promulgated in §261.4(e)-(f) regulations for generators, collectors, and testers of treatability study samples. When intended for treatability studies, hazardous waste otherwise subject to regulation under Subtitle C of RCRA is exempted from these regulations, provided that the requirements in §261.4(e)-(f) are met, including the following information requests: initial notification, recordkeeping, reporting, and final notification. In addition, generators and collectors of treatability study samples also may request quantity limit increases and time extensions, as specified in §261.4(e)(3).

HAZARDOUS WASTE LISTING EXEMPTIONS

In 1990, EPA promulgated regulations under 40 CFR 261.31(b)(2)(ii) governing procedures and informational requirements for generators and treatment, storage and disposal facilities proving their sludges are exempt from listing as F037 and F038 wastes. Also under this section are regulations promulgated in 1990 under sections 261.35 (b) and (c) governing procedures and informational requirements for the cleaning or replacement of all process equipment that may have come into contact with chlorophenolic formulations or constituents thereof, including, but not limited to, treatment cylinders, sumps, tanks, piping systems, drip pads, fork lifts, and trams.

2. NEED FOR AND USE OF THE COLLECTION

2(a) NEED/AUTHORITY FOR THE COLLECTION

This section describes the need and authority for each type of information collection analyzed in this ICR.

RULEMAKING PETITIONS

Section 260.20 requires petitioners seeking to modify or revoke any provision in 40 CFR Parts 260 - 265 and 268 to submit specific information. This information is used by EPA to determine each petitioner's interest in the proposed rulemaking petition, and contributes to EPA's goal of comprehensively protecting human health and the environment.

Section 260.21 requires petitioners for equivalent testing or analytical methods to demonstrate to the satisfaction of the Administrator that the proposed method is equal to or superior to the corresponding method in terms of its sensitivity, accuracy, and reproducibility. EPA needs this information to determine whether the proposed method is equivalent to the specified method. This requirement contributes to EPA's goal of preventing contamination to the environment.

Section 260.22 requires petitioners seeking to delist a specific waste to demonstrate that the waste does not meet any hazardous waste criteria. The delisting petition provides an alternative to facilities whose wastes are generally described in Subpart D of Parts 261 (listed), yet may not be hazardous. EPA needs the information to evaluate the accuracy of each delisting petition and determine whether an exclusion is warranted.

SOLID WASTE AND BOILER VARIANCE REQUIREMENTS

Section 260.33 requires persons requesting variances from classification as a solid waste for specified recycled materials (e.g., speculatively collected materials) to address the relevant criteria contained in §260.31. EPA needs this information to substantiate that these materials actually are being recycled and not being accumulated to evade hazardous waste regulation. The practice of recycling specific materials from waste streams reduces the need for various natural resources, energy, and for disposal capacity. By allowing legitimate recyclers an opportunity to exempt specific recycled materials from hazardous waste regulation, EPA promotes this environmentally and socially beneficial practice.

Section 260.33 requires persons requesting variances for classification as a boiler (for enclosed devices using controlled flame combustion) to submit demonstrations that address the relevant criteria detailed in §260.32. EPA needs this information to evaluate the compatibility of the proposed device to classification as a boiler. Because boilers may be used to treat hazardous wastes (boilers that treat hazardous wastes are subject to substantive requirements in 40 CFR Part 266), the specific petition informational requirements aid in realizing EPA's goal of insuring that only properly designed hazardous waste treatment units are in operation.

HAZARDOUS WASTE EXCLUSIONS

Sections 261.3(a)(2) and 261.3(c)(2) require facilities to prepare and submit materials in support of a wastewater or nonwastewater exemption, respectively. EPA needs to collect this information to ensure that facilities qualify for the exemption and can manage these wastes in a manner protective of human health and the environment.

Section 261.4(b)(6) allows facilities to obtain a hazardous waste exclusion for chromium-containing waste under certain conditions. EPA needs this information to determine whether an exclusion is appropriate.

Section 261.4(d) requires persons who generate or collect samples for the sole purpose of testing to determine its characteristics or composition comply with all applicable U.S. DOT, Postal Service or other applicable shipping requirements. EPA needs the generator and laboratory to maintain appropriate shipping records to ensure that the package does not leak, spill, or vaporize from its packaging into the environment.

Section 261.4(e)(2) requires persons who generate or collect samples for the purpose of conducting treatability studies to comply with specific informational provisions. EPA needs this information to document the legitimate activities of sample generators or collectors and to track these wastes to ensure their proper handling and management. Section 261.4(e)(3) contains provisions for generators and collectors to increase the sample quantity limits or receive a time extension. EPA needs to collect this information to ensure that an increase or extension is warranted.

Section 261.4(f) requires testing facilities conducting treatability studies to comply with a number of informational requirement provisions. EPA needs the information in §261.1 (e)-(f) to document that only the legitimate users of treatability samples obtain relief from comprehensive hazardous waste regulation. By subjecting treatability study sample generators, collectors, and testing facilities to alternate requirements, EPA promotes the development and research of new, less expensive, and more environmentally benign treatment technologies. These new technologies, in turn, will aid in the reduction of environmental contamination and safeguard human health and the environment.

HAZARDOUS WASTE LISTING EXEMPTIONS

Section 261.31(b)(2)(ii) requires generators and treatment, storage and disposal facilities to prove that their sludges are exempt from listing as F037 and F038 wastes. These persons must maintain in their operating or other on-site records, documents and data sufficient to prove that: (A) the unit is an aggressive biological treatment unit as defined in this subsection; and (B) the sludges sought to be exempted from the definitions of F037 and/or F038 were actually generated in the aggressive biological treatment unit. EPA needs this information to document these legitimate activities and to ensure proper handling and management.

Section 261.35 (b) and (c) requires generators of wood preserving process wastes to clean or replace all process equipment that may come into contact with chlorophenolic formulations or constituents thereof in order to avoid a F032 hazardous waste listing. EPA needs the generator to prepare and demonstrate compliance with an equipment cleaning or replacement plan in order to validate the claims that the wood preserving process wastes equipment has been cleaned or replaced in a manner that precludes it from being listed as a F032 waste.

2(b) PRACTICAL UTILITY/USERS OF THE DATA

RULEMAKING PETITIONS

EPA uses the general informational requirements required under §260.20 to obtain basic information on petitioners and on each petitioner's interest in the proposed rulemaking petition. EPA uses petitions for equivalent testing or analytical methods to determine that the proposed method is equal to or superior to the corresponding method in terms of its sensitivity, accuracy, and reproducibility. EPA uses delisting petitions to evaluate whether a waste meets the hazardous waste criteria.

SOLID WASTE AND BOILER VARIANCE REQUIREMENTS

EPA uses the information contained in requests for variances from classification as a solid waste to substantiate that these materials actually are recycled and are not accumulated to evade hazardous waste regulations. EPA uses the information contained in requests for variances from classification as a boiler to ascertain the compatibility of the proposed device to classification as a boiler.

HAZARDOUS WASTE EXCLUSIONS

EPA uses the various information required under §261.3 and §261.4 to ensure that hazardous waste exclusions and exemptions are granted only under certain protective conditions.

HAZARDOUS WASTE LISTING EXEMPTIONS

EPA uses the information maintained under 40 CFR 261.31(b)(2)(ii) and 261.35(b) and (c) to substantiate and confirm the proper handling and management of these materials according to prescribed conditions.

3. NONDUPLICATION, CONSULTATIONS, AND OTHER COLLECTION CRITERIA

3(a) NONDUPLICATION

All of the information required by the regulations covered in this ICR are not available from any source but the respondents.

3(b) PUBLIC NOTICE REQUIRED PRIOR TO ICR SUBMISSIONS TO OMB

This ICR will be published in the Federal Register with a 60-day comment period prior to submittal to OMB. The Federal Register notice will indicate this ICR is up for renewal and solicit public comments on the burden estimates and any proposed changes.

3(c) CONSULTATIONS

The regulations covered by this ICR were promulgated using proper rulemaking procedures. EPA made every effort to consult with the general public, State and industry officials, and appropriate Federal agencies. EPA held public hearings and received substantial comments. As a result, EPA has made a number of modifications to its original regulations.

EPA also conducted consultations with fewer than ten regulated entities and EPA program staff to estimate the number of facilities submitting various petitions, variances, exclusions, and exemptions. EPA also used these consultations to obtain estimates of the burden (in hours) associated with each activity. Because the 40 CFR Parts 260 and 261 provisions may apply to a wide range of industries, EPA has utilized general industry wage rates that have been approved for previous ICRs to calculate costs.

3(d) EFFECTS OF LESS FREQUENT COLLECTION

EPA has carefully considered the burden imposed upon the regulated community by these regulations. EPA is confident that those activities required of respondents are necessary, and to the extent possible, have attempted to minimize the burden imposed. EPA believes strongly that if the minimum requirements specified under the regulations are not met, EPA can not ensure that hazardous wastes are properly managed and do not pose a serious threat to human health and the environment.

3(e) GENERAL GUIDELINES

EPA regulations covered in this ICR have adhered to OMB's general guidelines for recordkeeping and reporting. This ICR does not contain requirements for retaining documents for more than three years, for reporting information more often than quarterly, nor for preparing a written response to an information collection in less than 30 days after receipt.

3(f) CONFIDENTIALITY

Section 3007(b) of RCRA and 40 CFR Part 2, Subpart B, which define EPA's general policy on the public disclosure of information, contain provisions for confidentiality.

3(g) SENSITIVE QUESTIONS

No questions of a sensitive nature are included in any of the information collection requirements.

4. THE RESPONDENTS AND THE INFORMATION COLLECTED

4(a) RESPONDENTS/SIC CODES

The following is a list of Standard Industrial Classification (SIC) codes associated with industries most likely affected by the information collection requirements covered under this ICR.

281	Industrial Inorganic Chemicals
282	Plastic Materials, Synthetic Resins, etc.
283	Drugs
285	Paints, Varnishes, etc.
286	Industrial Organic Chemicals
2869	Industrial Organic Chemicals, not elsewhere classified
29	Petroleum Refining and Related Industries
30	Rubber and Miscellaneous Plastic
33	Primary Metal Industries
34	Fabricated Metal Products, not elsewhere classified
35	Machinery, except electrical
37	Transportation Equipment
7397	Commercial Testing Laboratories
8220	Colleges, Universities, Professional Schools, and Junior Colleges
8730	Research, Development, and Testing Services
9511	Air and Water Resource and Solid Waste Management
9999	Nonclassifiable Establishments

4(b) INFORMATION REQUESTED

READING AND UNDERSTANDING THE REGULATIONS FOR IDENTIFICATION, LISTING, AND RULEMAKING PETITIONS

(I) Data Items, Including Recordkeeping Requirements

The petitioner must read and understand all of the regulations that pertain to the identification, listing, and rulemaking petitions.

(ii) Respondent Activities

The respondent must read and understand the appropriate regulations for identification, listing, and rulemaking petitions.

RULEMAKING PETITIONS

General Requirements

(I) Data Items, Including Recordkeeping Requirements

Section 260.20(b) requires petitioners seeking to modify or revoke any provision in 40 CFR Parts 260 - 265 and 266 to submit the following general information:

- The petitioner's name and address;
- A statement of the petitioner's interest in the proposed action;
- A description of the proposed action, including, when appropriate, the proposed regulatory language; and
- A statement of the need and justification for the proposed action, including any supporting tests, studies, or other information.

(ii) Respondent Activities

All rulemaking petitioners need to undertake the following activities to comply with the general requirements detailed in §260.20(b):

- Gather information and prepare a statement about the petitioner's interest in and a description of the proposed action; and
- State the need and justification for the proposed action and compile supporting evidence.

Equivalent Methods Petitions

(I) Data Items, Including Recordkeeping Requirements

Section 260.21 requires petitioners for equivalent testing or analytical methods to demonstrate to the satisfaction of the Administrator that the proposed method is equal to or superior to the corresponding method in terms of its sensitivity, accuracy, and reproducibility. Specifically, a petitioner must submit the following data items:

- A full description of the proposed method, including all procedural steps and equipment used in the method;
- A description of the types of wastes or waste matrices for which the proposed method may be used;
- Comparative results obtained from using the proposed method with those obtained from using the relevant or corresponding methods prescribed in 40 CFR Parts 261, 264, and 265;
- An assessment of any factors which may interfere with, or limit the use of, the proposed method;
- A description of the quality control procedures necessary to ensure the sensitivity, accuracy, and reproducibility of the proposed method; and
- Any additional information that the Administrator reasonably may require to evaluate the petition.

(ii) Respondent Activities

In order to comply with the requirements for petitions for equivalent testing or analytical methods, petitioners are required to perform the following activities:

- Describe the proposed method;
- Describe all the procedural steps and equipment required for the proposed method;
- Describe all wastes or waste matrices for which the proposed method may be used;
- Compare the results obtained from using the proposed method with those obtained from using the corresponding prescribed method in 40 CFR Parts 261, 264, or 265;
- Assess any factors which may interfere with or limit the use of the proposed method;
- Describe the quality control procedures necessary to ensure the sensitivity, accuracy, and reproducibility of the proposed method; and
- Provide any additional information requested by the Administrator.

These petitioners also must comply with the general requirements for rulemaking petitions in §260.20.

Delisting Petitions

(I) Data Items, Including Recordkeeping Requirements

Section 260.22 requires petitioners seeking to amend 40 CFR Part 261 to exclude a waste produced at a particular facility to demonstrate that the waste does not meet any of the criteria under which it was listed as a hazardous or an acutely hazardous waste. The petition also must demonstrate to the Administrator that the waste should not be listed for any other factor. Finally, the petition must demonstrate that the waste does not meet the characteristic hazardous criteria in Subpart C of Part 261. Specifically, the petitioner must submit the following items:

- The name and address of the laboratory facility performing the sampling or tests of the waste;
- The names and qualifications of the persons sampling and testing the waste;
- The dates of sampling and testing;
- The location of the generating facility;
- A description of the manufacturing processes or other operations and feed materials producing the waste and an assessment of whether such processes, operations, or feed materials can or might produce a waste that is not covered by the demonstration;
- A description of the waste and an estimate of the average and maximum monthly and annual quantities of waste covered by the demonstration;
- Pertinent data on and discussion of the factors delineated in the respective criterion for listing hazardous waste, where the demonstration is based on the factors in §261.11(a)(3);
- A description of the methodologies and equipment used to obtain the representative samples;
- A description of the sample handling and preparation techniques, including techniques used for extraction, containerization, and preservation of the samples;
- A description of the tests performed and their results;
- The names and model numbers of the instruments used to conduct the tests;
- A signed certification by the petitioner; and
- Any additional information the Administrator reasonably may require to evaluate the petition.

(ii) Respondent Activities

In order to comply with the requirements for petitions to delist a waste produced at a specific facility, petitioners are required to perform the following activities:

- Provide general information on the laboratory conducting the tests;
- Provide detailed information on individual sampling and testing the waste samples.
- Provide the date of sampling and testing;
- Provide information on the location of the facility;
- Describe the manufacturing processes or other operations and feed materials producing the waste;
- Assess whether the generator facility's processes, operations, or feed materials can or might produce a waste that is not covered by the demonstration;
- Describe the waste;
- Estimate the average maximum monthly and annual quantities of waste covered by the demonstration;
- Provide pertinent data on and discussion of the factors delineated in the respective criterion for listing hazardous waste, where the demonstration is based on the factors in §261.11(a)(3);
- Describe the methodologies and equipment used to obtain the representative samples;
- Describe the sample handling and preparation techniques, including techniques used for extraction, containerization, and preservation of the samples;
- Describe the tests performed and their results;
- Provide the names and model numbers of the instruments used to conduct the tests,
- Certify that the petition is true, accurate, and complete, and
- Provide any additional information required by the Administrator.

Petitioners also must comply with the general requirements for rulemaking petitions in §260.20.

SOLID WASTE AND BOILER VARIANCE REQUIREMENTS

Variances from Classification as a Solid Waste

(I) Data Items, Including Recordkeeping Requirements

Section 260.33 requires persons that request variances from classification as a solid waste to address the relevant criteria contained in §260.31. Section 260.31 contains criteria for variances from classification as a solid waste for the following three types of recycled materials:

- Materials that are collected speculatively without sufficient amounts being recycled;
- Materials that are reclaimed and then reused within the original primary production process in which they were generated; and
- Materials which have been reclaimed, but must be reclaimed further before the materials are completely recovered.

The informational requirements for each of the three types of recycled materials are discussed in turn.

Section 260.31(a) details requirements for persons that request a variance from classification as a solid waste certain materials that are accumulated speculatively without sufficient amounts being recycled or transferred for recycling in the following year. The person requesting a variance must submit the following information:

- The manner in which the material is expected to be recycled, when the material is expected to be recycled, and whether this expected disposition is likely to occur;
- The reason that the petitioner has accumulated for one or more years without recycling 75 percent of the volume accumulated at the beginning of the year;
- The quantity of the material already accumulated, and the quantity expected to be generated and accumulated before the material is recycled;
- The extent to which the material is handled to minimize loss; and
- Any additional relevant information.

Section 260.31(b) details requirements for persons that request a variance from classification as a solid waste those materials that are reclaimed and then reused as feedstock within the original primary production processes in which the materials were generated, if the reclamation operation is an essential part of the production process. The person that requests the variance must submit the following information:

- Provide information on the economic viability of the production process using virgin materials solely, rather than reclaimed materials;
- Provide information on the prevalence of the industry-wide practice;
- A description of the extent to which the material is handled before reclamation to minimize loss;

- A description of the time periods between the generation of the material and its reclamation, and between reclamation and return to the original primary production process;
- A description of the location of the reclamation operation in relation to the production process.
- A description of whether the reclaimed material is used for the purpose for which it was originally produced when it is returned to the original process, and whether it is returned to the process in substantially its original form;
- A description of whether the person who generates the materials also reclaims it; and
- Any additional relevant information.

Section 260.31(c) details requirements for persons that request a variance from classification as a solid waste those materials that have been reclaimed but must be reclaimed further before recovery is completed if, after initial reclamation, the resulting material is commodity-like. The resulting material may be commodity-like even though it is not yet a commercial product, and has to be reclaimed further. The person that requests this variance must submit the following information:

- A description of the degree of processing the material has undergone and the degree of further processing that is required;
- Information on the value of the material after it has been reclaimed;
- A description of the degree to which the reclaimed material is like an analogous raw material;
- A description of the extent to which an end market for the reclaimed material is guaranteed;
- A description of the extent to which the reclaimed materials is handled to minimize loss; and
- Any additional relevant information.

(ii) Respondent Activities

In order to comply with the requirements for variances from classification as a solid waste those materials that are accumulated speculatively, as defined in §260.31(a), persons that request a variance must perform the following activities:

- Provide information on the manner in which the material is expected to be recycled, when the material is expected to be recycled, and whether this expected disposition is likely to occur;

- Provide information on the reason that the petitioner has accumulated for one or more years without recycling 75 percent of the volume accumulated at the beginning of the year;
- Provide information on the quantity of the material already accumulated and the quantity expected to be generated and accumulated before the material is recycled;
- Provide information on the extent to which the material is handled to minimize loss; and
- Provide any additional relevant information.

In order to comply with the requirements for variances from classification as a solid waste those materials that are reclaimed and then reused as feedstock, as defined in §260.31(b), persons that request a variance must perform the following activities:

- Provide information on the economic viability of the production process using virgin materials solely, rather than reclaimed materials;
- Describe the industry-wide prevalence of the practice;
- Describe the extent to which the material is handled before reclamation to minimize loss;
- Describe the time periods between the generation of the material and its reclamation, and between reclamation and return to the original primary production process;
- Describe the location of the reclamation operation in relation to the production process;
- Describe whether the reclaimed material is used for the purpose for which it was originally produced when it is returned to the original process, and whether it is returned to the process in substantially its original form;
- Describe whether the person who generates the material also reclaims it; and
- Provide any additional relevant information.

In order to comply with the requirements for variances from classification as a solid waste those materials that have been reclaimed but must be reclaimed further, as defined in §260.31(c), persons that request a variance must perform the following activities:

- Provide information on the degree of processing the material has undergone and the degree of further processing that is required;
- Provide information on the value of the material after it has been reclaimed;
- Describe the degree to which the reclaimed material is like an analogous raw material. - Examine the extent to which an end market for the reclaimed material is guaranteed;
- Describe the extent to which the reclaimed material is handled to minimize loss; and

- Provide any additional relevant information.

Variances from Classification as a Boiler

(I) Data Items, Including Recordkeeping Requirements

Section 260.33 requires persons that request to classify as a boiler certain enclosed devices using controlled flame combustion (even though these devices do not meet the definition of boiler as defined in §260.10) to address the relevant criteria in §260.32. Section 260.32 lists the following informational requirements:

- A description of the extent to which the unit has provisions for recovering and exporting thermal energy in the form of steam, heated fluids, or heated gases;
- A description of the extent to which the combustion chamber and energy recovery equipment are of integral design;
- A description of the efficiency of energy recovery, calculated in terms of the recovered energy compared with the thermal value of fuel;
- A description of the extent to which exported energy is utilized;
- A description of the extent to which the device is in common and customary use as a 'boiler' functioning primarily to produce steam, heated fluids, or heated gases; and
- Any additional relevant information.

(ii) Respondent Activities

In order to comply with the requirements for variances to be classified as a boiler, persons that request this variance must perform the following activities:

- Describe the extent to which the unit has provisions for recovering and exporting thermal energy in the form of steam, heated fluids, or heated gases;
- Describe the extent to which the combustion chamber and energy recovery equipment are of integral design;
- Describe the efficiency of energy recovery, calculated in terms of the recovered energy compared with the thermal value of fuel;
- Describe the extent to which exported energy is utilized;
- Describe the extent to which the device is in common and customary use as a 'boiler' functioning primarily to produce steam, heated fluids, or heated gases; and
- Provide any additional relevant information.

HAZARDOUS WASTE EXCLUSIONS

Sections 261.3 and 261.4 set forth provisions for petitioning EPA (or the implementing agency) for a hazardous waste exclusion or other exemption for certain types of waste. The information collection requirements associated with these provisions are discussed in turn below.

Wastewater Exemption

(I) Data Item, Including Recordkeeping Requirements

Under section 261.3(a)(2)(iv), a generator may obtain a hazardous waste exemption for certain mixtures of hazardous and solid wastes if the generator can demonstrate that the mixture consists of wastewater whose discharge is subject to regulation under either Section 402 or Section 307(b) of the Clean Water Act (including wastewater at facilities which have eliminated the discharge of wastewater).

(ii) Respondent Activity

Demonstrate the wastewater exclusion.

Nonwastewater Exemption

(I) Data Item, Including Recordkeeping Requirements

Under section 261.3(c)(2)(ii)(C), a facility may obtain a hazardous waste exclusion for certain nonwastewater residues, such as slag, resulting from high temperature metals recovery (HTMR) processing of K061, K062, or F006 waste in rotary kilns, flame reactors, electric furnaces, plasma arc furnaces, slag reactors, rotary hearth furnace/electric furnace combinations, or industrial furnaces. To obtain this exemption, a one-time notification and certification must be placed in the facility's files and sent to EPA or authorized state. The notification must state that the K061, K062, or F006 HTMR residues meet the generic exclusion levels for all constituents and do not exhibit any hazardous waste characteristics.

(ii) Respondent Activities

- Prepare and submit a one-time notification and certification for the K061, K062, or F006 HTMR residue; and
- Maintain the notification and certification in facility files.

Exemption for Chromium-Containing Waste

(I) Data Item, Including Recordkeeping Requirements

Under section 261.4(b)(6), a generator of waste that fails the test for Toxicity Characteristic because of the presence of chromium may obtain a hazardous waste exclusion if the generator can demonstrate that:

- The chromium in the waste is exclusively (or nearly exclusively) trivalent chromium;

- The waste is generated from an industrial process that uses trivalent chromium exclusively (or nearly exclusively), and the process does not generate hexavalent chromium; and
- The waste is typically and frequently managed in non-oxidizing environments.

(ii) Respondent Activity

The generator must demonstrate the chromium-containing waste meets the hazardous waste exclusion.

Exemption for Samples

(I) Data Items, Including Recordkeeping Requirements

Handlers of samples used for the sole purpose of testing characteristics or composition under 40 CFR 261.4(d) are not subject to 40 CFR Parts 262 through 268 and Part 270 when specified activities occur. These include, samples being transported to a laboratory for the purpose of testing, a sample being transported back to the sample collector after testing, a sample being stored by the sample collector before transport to a laboratory for testing, a sample being stored in the laboratory before testing, a sample being stored in the laboratory after testing but before it is returned to the sample collector, or a samples being stored temporarily in the laboratory after testing for a specific purpose. Samples that are not already covered by DOT or USPS shipping requirements must be accompanied by the following information, as specified in §261.4(d)(2)(ii)(A):

- The sample collector's name, mailing address, and telephone number.
- The laboratory's name, mailing address, and telephone number.
- The quantity of the sample.
- The date of shipment.
- A description of the sample.

(ii) Respondent Activities

In order to comply with the provisions of this section, sample collectors and laboratories must maintain information on the sample and collector that shows that they are complying with applicable shipping requirements.

Exemptions for Treatability Study Samples

(I) Data Items, Including Recordkeeping Requirements

Persons who generate or collect samples for the purpose of conducting treatability studies, as defined in §260.10, are exempt from 40 CFR Parts 261, 262, and 263 and the notification requirements of Section 3010 of RCRA provided that the sample is being: (1) collected and prepared for transportation by the generator or sample collector; (2) accumulated or stored by the generator or collector prior to

transportation to a laboratory or testing facility; or (3) transported to the laboratory or testing facility for the purpose of conducting a treatability study. To qualify for this exemption, the sample must meet the quantity limits specified in section 261.4(e)(2).

To qualify for this exemption, the generator or sample collector must collect and maintain the following information for a period of three years after the completion of the treatability study:

- Copies of the shipping documents;
- A copy of the contract with the facility conducting the treatability study; and
- Documentation showing:
 - The amount of waste shipped under the exemption;
 - The name, address, and EPA identification number of the laboratory facility that received the waste;
 - The date the shipment was made; and
 - Whether unused samples or residues were returned to the generator.

In addition, the generator reports information regarding volumes shipped, laboratory, dates of shipment, and return of samples, in its Biennial Report.

Persons who generate or collect samples for the purpose of conducting treatability studies also may apply for up to an additional two years for treatability studies involving bioremediation or to increase the quantity limits on treatability study samples. The limits may be increased for up to an additional 5,000 kg of media contaminated with non-acute hazardous waste, 500 kg of non-acute hazardous waste, 2,500 kg of media contaminated with acute hazardous waste, and 1 kg of acute hazardous waste under certain circumstances (e.g., an equipment or mechanical failure during the conduct of the treatability study, or a need to verify the results of a previously conducted treatability study). Persons applying for time or quantity limit increases under §261.4(e)(3) must submit the following information to the Regional Administrator:

- The reason why the generator or sample collector requires additional time or the quantity of sample for treatability study evaluation;
- The amount of the additional time or sample quantity needed;
- Documentation for all samples of hazardous waste from the waste stream which have been sent for or undergone treatability studies including the date each previous sample from the waste stream was shipped, the quantity of each previous shipment, the laboratory or testing facility to which it was shipped, what treatability study processes were conducted on each sample shipped, and the available results on each treatability study;
- A description of the technical modifications or change of specifications to be evaluated, and the expected results;

- Information on the cause of the equipment failure and the remedies taken to prevent its future occurrence (if the request for a limit increase was due to an equipment failure); and
- Any additional information considered necessary by the Administrator.

(ii) Respondent Activities

In order to comply with the informational provisions in §261.4(e), generators or collectors of treatability study samples must undertake the following activities:

- Collect, copy, file, and maintain information for a period of three years after the completion of the treatability study;
- Prepare and report to EPA information regarding volumes shipped, testing facility, dates of shipment, and return of samples in the Biennial Report;
- If applying for a quantity limit increase under §261.4(e)(3), prepare and submit request; and
- If applying for an extension of up to two years under §261.4(e)(3) for a treatability study involving bioremediation, prepare and submit request.

Exemptions for Treatability Study Samples Undergoing Testing

(I) Data Items, Including Recordkeeping Requirements

Samples undergoing treatability studies and laboratories and testing facilities conducting such treatability studies are not subject to requirements at 40 CFR Parts 124, 261-266, 268, and 270, or to the notification requirements of Section 3010 of RCRA, provided that conditions detailed in §261.4(f) are met. These conditions include the following informational requirements:

- Written notification to the Regional Administrator that the facility intends to conduct treatability studies (45 days before testing is initiated);
- Records showing compliance with the treatment rate limits and the storage time and quantity limits, including:
 - The name, address, and EPA identification number of the generator or sample collector of each waste sample;
 - The date the shipment was received;
 - The quantity of the waste accepted;
 - The quantity of 'as received' waste in storage each day;
 - The date the treatment study was initiated and the amount of 'as received' waste introduced to treatment each day;

- The date the treatability study was concluded; and
- The date any unused sample or residues generated from the treatability sample were returned to the generator or the sample collector or, if sent to a designated facility, the name of the designated facility and its EPA identification number.
- Copies of the treatability study contract and all associated sample shipping papers;
- An annual report to the Regional Administrator estimating the number of treatability studies and the amount of waste expected to be used in treatability studies during the current year and information on the past year's activities, including:
 - The name, address, and EPA identification number of the facility conducting the treatability study;
 - The types of treatability studies conducted;
 - The names and addresses of individuals for whom the treatability studies were conducted;
 - The total quantity of waste in storage each day;
 - The quantity and types of waste subjected to treatability studies each day;
 - The date each treatability study was conducted; and
 - The final disposition of residues and unused samples from each treatability study.
- A letter informing the Regional Administrator that the facility is no longer planning to conduct any treatability studies at the site.

(ii) Respondent Activities

In order to comply with requirements for samples undergoing treatability studies at testing facilities detailed in §261.4(f), testing facility representatives must undertake the following activities:

- Notify the Regional Administrator that the facility intends to conduct treatability tests (45 days before testing is initiated);
- Maintain records for a period of three years after the completion of the treatability study that show compliance with the treatment rate limits, storage time and quantity limits, and contract and shipping paper requirements;
- By March 15 of each year, prepare and submit an annual report to the Regional Administrator estimating the number of treatability studies and the amount of waste expected to be used in treatability studies during the current year and information on the past year's activities; and

- Prepare and submit a termination letter informing the Regional Administrator that the facility is no longer planning to conduct any treatability studies at the site.

HAZARDOUS WASTE LISTING EXEMPTIONS

Hazardous Wastes from Non-Specific Sources

(I) Data Items, Including Recordkeeping Requirements

Section 261.31(b)(2)(ii) requires generators and treatment, storage and disposal facilities to prove that their sludges are exempt from listing as F037 and F038 wastes by maintaining, in their operating or other on-site records, the following data items:

- Documents and data sufficient to prove that:
 - The unit is an aggressive biological treatment unit; and
 - The sludges sought to be exempted from the definitions of F037 and/or F038 were actually generated in the aggressive biological treatment unit.

(ii) Respondent Activities

To qualify for an exemption, a facility must perform the following respondent activities:

- Develop data and documents to support the criteria for the exemption; and
- Maintain records on site.

Deletion of Certain Hazardous Waste Codes Following Equipment Cleaning and Replacement

(I) Data Items, Including Recordkeeping Requirements

Section 261.35 specifies procedures that wood preserving plants that used chlorophenolic formulations or constituents must follow to minimize or eliminate the escape of hazardous waste or constituents, leachate, contaminated drippage, or hazardous waste decomposition products to ground water, surface water, or the atmosphere. These generators must either develop and follow an equipment cleaning plan or an equipment replacement plan containing the following information:

- A written equipment cleaning plan that describes the following:
 - The equipment to be cleaned;
 - How the equipment will be cleaned;
 - The solvent to be used in cleaning;
 - How the solvent rinses will be tested; and
 - How cleaning residues will be disposed.
- A written equipment replacement plan that describes the following:

- The equipment to be replaced;
- How the equipment will be replaced; and
- How the equipment will be disposed;

Generators also must keep records documenting the cleaning and replacement as part of the facility's operating record. These records must contain the following information:

- The name and address of the facility;
- Formulations previously used and the date on which their use ceased in each process at the plant;
- Formulations currently used in each process at the plant;
- The equipment cleaning or replacement plan;
- The name and address of any persons who conducted the cleaning or replacement;
- The dates on which cleaning or replacement was accomplished;
- The dates of sampling and testing;
- A description of the sample handling and preparation techniques used for extraction, containerization, preservation, and chain-of-custody of the samples;
- A description of the tests performed, the date the tests were performed, and the results of the tests;
- The name and model numbers of the instrument(s) used in performing the tests;
- Documentation of QA/QC procedures; and
- A certification statement by an authorized representative stating that all process equipment was cleaned or replaced according to the cleaning or replacement plan.

(ii) Respondent Activities

- Prepare an equipment cleaning or replacement plan;
- Prepare and maintain documentation showing that equipment was cleaned or replaced in accordance with the plan; and
- Prepare and maintain a certification by an authorized representative that the cleaning or replacement occurred in accordance with the facility's plan.

5. THE INFORMATION COLLECTED -- AGENCY ACTIVITIES, COLLECTION METHODOLOGY, AND INFORMATION MANAGEMENT

This section discusses how EPA will collect the information, what activities EPA will perform once the information has been received, and how EPA will manage the information it collects. The subsections also include a discussion of how the information collection requirements affect small entities.

5(a) AGENCY ACTIVITIES

REVIEW OF RULEMAKING PETITIONS

EPA follows specific procedures when reviewing all rulemaking petitions. As specified under §260.22, the Agency will review the information and make a tentative decision, publish its tentative decision in the Federal Register and request written comments, hold a public meeting (if requested by an interested person or at the discretion of the Administrator), review all comments, and publish its final decision in the Federal Register. Depending on the complexity of the petition, the Agency may spend significant time in review.

EPA follows specific procedures in reviewing delisting petitions¹. All petitions received are logged in, filed, and reviewed. This initial review focuses on completeness of the documentation and representativeness of the analytical data. EPA may request additional information if the petition is judged incomplete. When all needed information is obtained, EPA will review the petition and make a tentative determination. A workgroup composed of staff from different offices within EPA reviews these determinations to evaluate the quality and representativeness of the data. When the workgroup's comments, if any, are addressed, the Office of General Counsel reviews the determination. If the Office of General Counsel concurs, the determination is reviewed by the Assistant Administrator for Solid Waste and Emergency Response. The Assistant Administrator's decision is published in the Federal Register, along with a request for comments. After public comments are received, the review process is repeated and concludes with the Assistant Administrator's final decision.

Specific Agency activities consist of the following:

- Review petition information;
- Request additional information, if required;
- Enter information into a database;
- Hold meetings;
- Deliberate;
- Make a draft determination and publish draft ER notice;

¹ U.S. Environmental Protection Agency, SW Petitions to Delist Hazardous Wastes: A Guidance Manual. April 1985, EPA/530-SW-85-003.

- Review comments and deliberate; and
- Make determination and publish final FR notice.

REVIEW OF SOLID WASTE AND BOILER VARIANCE DEMONSTRATIONS

Agency activities associated with the variances from classification as a solid waste or classification as a boiler include the following:

- Reviewing the demonstrations to verify whether they meet the relevant criteria as detailed in §260.31 for variances from classification as a solid waste, and in §260.32 for variances for classification as a boiler;
- Requesting additional information, if necessary;
- Deliberating and issuing a draft determination;
- Publicizing the draft determination by newspaper advertisement and radio broadcast in the local area of the petitioner;
- Holding a public hearing;
- Initiating a 30-day public comment period; and
- Reviewing comments and making the final decision.

REVIEW OF HAZARDOUS WASTE EXCLUSION PETITIONS

Agency activities associated with information submitted in support of §261.3 and §261.4 exclusions include reviewing these submissions and issuing decisions.

5(b) COLLECTION METHODOLOGY AND MANAGEMENT

In collecting and analyzing the information required under the identification, listing, and rulemaking petition requirements, EPA uses state-of-the-art electronic equipment such as personal computers and applicable database software, when appropriate.

5(c) SMALL ENTITY FLEXIBILITY

When promulgating the regulations covered under this ICR, EPA considered the effect of these regulations on small businesses. Under 40 CFR 262.44, facilities generating between 100 and 1,000 kg per month of hazardous waste are considered small quantity generators (SQGs) and are subject only to §262.40(a), (c), and (d) for recordkeeping, §262.42(b) for exception reporting, and §262.43 for additional reporting.

5(d) COLLECTION SCHEDULE

Because rulemaking petitions are voluntarily submitted, there is no collection schedule for these information requests. A discussion of a collection schedule, therefore, is not relevant.

Generators and collectors of treatability study samples must submit additional information along with their Biennial Report. Facilities with samples undergoing treatability studies must comply with the following collection schedule:

- 45-days before they initiate treatability studies, facilities must notify the Regional Administrator;
- By March 15 of each year, facilities must submit to the Regional Administrator an annual report regarding their treatability study activities; and
- Upon determining to cease treatability studies, facilities must inform the Regional Administrator.

6. ESTIMATING THE BURDEN AND COST OF THE COLLECTION

6(a) ESTIMATING RESPONDENT BURDEN

EPA conducted consultations with fewer than nine respondents from the regulated community to obtain burden hours and cost estimates. Since the regulations have not changed, the previous ICR also was used in estimating the respondent burden hours.

6(b) ESTIMATING RESPONDENT COSTS

(I) Estimating Labor Costs

EPA estimates an average hourly labor cost for respondents of \$99.80 for legal staff, \$75.91 for managerial staff, \$49.69 for technical staff, and \$25.99 for clerical staff. These wage rates are based on salaries used for the previous ICR, and have been increased by three percent per year from 1995 levels to account for inflation.

(ii) Estimating Capital and Operating and Maintenance Costs

EPA estimates there will be no capital costs incurred.

EPA estimates the largest operating and maintenance costs will be for contractors and analysis of samples collected for delisting petitions (\$40,600) and for documenting equipment cleaning (\$1,030) at facilities exempting selected waste codes.

EPA also estimates there are operating and maintenance costs associated all of the requirements for copying required documents and storing them.

(iii) Capital/Start-up vs. Operating and Maintenance Costs

There are no capital costs identified. The analytical and consultant operating and maintenance costs for sample analysis are also one time costs.

The operating and maintenance costs associated with record storage are ongoing costs.

(iv) Annualizing Capital Costs

There were no capital costs identified.

6(c) ESTIMATING AGENCY BURDEN AND COST

Exhibit 1 presents the estimated annual Agency burden and costs associated with the requirements covered in this ICR. EPA estimates hourly wage rates for the Agency of \$64.98 for legal staff, \$41.25 for managerial staff, \$28.94 for technical staff, and \$17.58 for clerical staff. Consultants are used to assist in reviewing some delisting petitions. The costs for consultants to assist in reviewing petitions was assumed to be similar to EPA's hourly rates so there is no separation of hours. The wage rates are based on salaries used for the previous ICR, and have been increased by three percent per year from 1995 levels to account for inflation.

The number of petitions included in Exhibit 1 is reflective of the numbers of actions in 1996 and 1997 weighted by the number of petitions currently under review and the anticipated number of petitions. There is a larger number of petitions currently in review and identified as potentially being submitted is likely to increase the total number of petitions from the 1996 and 1997 levels. There are currently nine sampling plans and 20 petitions under review.

**EXHIBIT 1
ANNUAL ESTIMATED AGENCY BURDEN AND COST**

INFORMATION COLLECTION ACTIVITY	Number of Res- pondents	Legal Hours \$64.98/hr	Managerial Hours \$41.25/hr	Technical Hours \$28.94/hr	Clerical Hours \$17.58/hr	Total Hours Per Year	Cost Per Review	Total Cost Per Year

Review of Rulemaking Petitions								
Review of Equivalent Methods Petitions (260.20 and 260.21)								
Review general petition information	1	0.00	3.00	20.00	0.00	23.00	\$702.55	\$702.55
Request additional information if required	1	0.00	0.00	2.00	1.00	3.00	\$75.46	\$75.46
Enter information into a database	1	0.00	0.00	6.00	2.00	8.00	\$208.80	\$208.80
Hold meetings	1	0.00	1.00	8.00	0.00	9.00	\$272.77	\$272.77
Deliberate	1	0.00	2.00	18.00	0.00	20.00	\$603.42	\$603.42
Make a draft determination, and publish draft Federal Register Notice	1	10.00	3.00	25.00	4.00	42.00	\$1,567.37	\$1,567.37
Review comments and deliberate	1	4.00	2.00	10.00	0.00	16.00	\$631.82	\$631.82
Make determination and publish final Federal Register notice	1	6.00	2.00	24.00	5.00	37.00	\$1,254.84	\$1,254.84
Subtotal	1	20.00	13.00	113.00	12.00	158.00	\$5,317.03	\$5,317.03
Review of Delisting Petitions (260.20 and 260.22)								
Review general petition information	15	10.00	2.00	160.00	15.00	2,805.00	\$5,626.40	\$84,396.00
Request additional information if required	15	10.00	2.00	50.00	5.00	1,005.00	\$2,267.20	\$34,008.00
Enter information into a database	15	0.00	0.00	20.00	0.00	300.00	\$578.80	\$8,682.00
Hold meetings	15	4.00	8.00	8.00	4.00	360.00	\$891.76	\$13,376.40
Deliberate*	11	30.00	10.00	70.00	10.00	1,320.00	\$4,563.50	\$50,198.50
Make a draft determination, and publish draft Federal Register Notice	11	10.00	30.00	120.00	24.00	2,024.00	\$5,782.02	\$63,602.22
Review comments and deliberate	11	20.00	30.00	100.00	0.00	1,650.00	\$5,431.10	\$59,742.10
Make determination and publish final Federal Register notice	11	20.00	5.00	25.00	5.00	605.00	\$2,317.25	\$25,489.75
Subtotal	15	104.00	87.00	553.00	63.00	10,069.00	\$27,458.03	\$339,494.97
Total: Review of Rulemaking Petitions	16.00	124.00	100.00	666.00	75.00	10,227.00	\$32,775.06	\$344,812.00

EXHIBIT 1 (Cont'd)

ANNUAL ESTIMATED AGENCY BURDEN AND COST

INFORMATION COLLECTION ACTIVITY	Number of Res- pondents	Legal Hours \$64.98/hr	Managerial Hours \$41.25/hr	Technical Hours \$28.94/hr	Clerical Hours \$17.58/hr	Total Ho Per Ye
Review of Solid Waste and Boiler Variance Demonstrations (260.31(a),(b),(c), 260.32, and 260.33(a))						
Review variance request information	16	0.00	3.00	25.00	0.00	44
Request additional information if required	16	0.00	0.00	1.00	2.00	4
Deliberate and issue draft determination	16	5.00	2.00	35.00	3.00	72
Publicize draft determination	16	0.00	0.00	2.00	6.00	12
Hold hearing, if required	16	0.00	1.00	30.00	2.00	52
Review comments (if any) and make final determination	16	3.00	2.00	32.00	3.00	64
Total: Review of Variance Demonstrations	16	8.00	8.00	125.00	16.00	2.51

* Assumes that five submissions will be withdrawn at the draft determination stage

Review of Hazardous Waste Exclusions						
File nonwastewater notification	1	0.00	0.00	1.00	1.00	
Review requests for quantity increases for treatability study and issue decision	1	0.00	0.00	3.00	0.00	
Review requests for two-year extension of treatability study and issue decision	1	0.00	0.00	3.00	0.00	
File notification of testing of treatability study sample	1	0.00	0.00	1.00	1.00	
File annual report on treatability study testing	1	0.00	0.00	1.00	1.00	
File termination letter of treatability study testing	1	0.00	0.00	1.00	1.00	
Total: Review of Exclusion Petitions	6.00	0.00	0.00	10.00	4.00	1
TOTAL: AGENCY ACTIVITIES	38.00	132.00	108.00	801.00	95.00	12.75

6(d) ESTIMATING THE RESPONDENT UNIVERSE AND TOTAL BURDEN AND COSTS

This ICR is a comprehensive presentation of all of the information collection activities required for identification, listing, and rulemaking petition regulations. EPA estimated respondent burden hours associated with all of the requirements covered in this ICR in Exhibits 2-6. Exhibit 2 addresses the requirement of petitioners to read and understand the regulations for identification, listing, and rulemaking petitions. Exhibit 3 addresses general requirements for all rulemaking petitions, equivalent testing or analytical method petitions, and delisting petitions. Exhibit 4 addresses requirements for variances from classification as a solid waste or for classification as a boiler. Exhibit 5 addresses provisions for obtaining hazardous waste exclusions under §261.3 and §261.4. Exhibit 6 addresses procedures that must be followed to obtain a hazardous waste listing exemption under §261.31 and .35. Each exhibit includes the number of hours required to conduct each information collection activity and the cost associated with each requirement.

READING AND UNDERSTANDING THE REGULATIONS FOR IDENTIFICATION, LISTING, AND RULEMAKING PETITIONS

The petitioner must read and understand all of the regulations that pertain to identification, listing, and rulemaking petitions (Exhibit 2). This cost is a one-time cost. EPA estimates that all facilities submitting petitions and demonstrations, or maintaining records in support of exclusions or exemptions, will read the regulations. Thus, EPA estimates that 330 facilities will read the pertinent Part 260 and 261 regulations each year.

EXHIBIT 2
 READING THE REGULATIONS
 ANNUAL ESTIMATED RESPONDENT BURDEN AND COST

INFORMATION COLLECTION ACTIVITY	Number of Res- pondents	Legal Hours \$99.80/hr	Managerial Hours \$75.91/hr	Technical Hours \$49.69/hr	Clerical Hours \$25.99/hr	Respondent Hours/Year	Total Hours Per Year	Labor Cost Per Res- pondent	Capital Cost	O&M Cost	Total Cost Per Year
Reading and Understanding the Regulations for ID, Listing, and Rulemaking Petitions											
Read the Regulations	330	2.00	1.00	8.00	0.00	11.00	3,630.00	\$673.03	\$0.00	\$0.00	\$222,099.90
Total: Read the Regulations	330.00	2.00	1.00	8.00	0.00	11.00	3,630.00	\$673.03	\$0.00	\$0.00	\$222,099.90

EXHIBIT 3
RULEMAKING PETITIONS
ANNUAL ESTIMATED RESPONDENT BURDEN AND COST

INFORMATION COLLECTION ACTIVITY	Number of Res- pondents	Legal Hours \$99.80/hr	Managerial Hours \$75.91/hr	Technical Hours \$49.69/hr	Clerical Hours \$25.99/hr	Respondent Hours/Year	Total Hours Per Year	Labor Cost Per Res- pondent	Capital Cost	O&M Cost	Total Cost Per Year
Rulemaking Petitions											
General Requirements (260.20)											
Describe/prepare a statement on proposed action	16	6.00	20.00	60.00	28.00	114.00	1,824.00	\$5,826.12	\$0.00	\$8,800.00	\$234,017.92
State the need and justification for the proposed action	16	0.00	20.00	200.00	0.00	220.00	3,520.00	\$11,456.20	\$0.00	\$0.00	\$183,299.20
Subtotal	16	6.00	40.00	260.00	28.00	334.00	5,344.00	\$17,282.32	\$0.00	\$8,800.00	\$417,317.12
Equivalent Methods Petitions (260.21)											
Describe the proposed method	1	0.00	3.00	20.00	1.00	24.00	24.00	\$1,247.52	\$0.00	\$0.00	\$1,247.52
Describe the proposed methods procedural steps and equipment	1	0.00	2.00	10.00	1.00	13.00	13.00	\$674.71	\$0.00	\$0.00	\$674.71
Describe wastes/waste matrices for proposed method	1	0.00	3.00	20.00	2.00	25.00	25.00	\$1,273.51	\$0.00	\$0.00	\$1,273.51
Compare results from proposed method with results from prescribed method	1	0.00	2.00	10.00	0.00	12.00	12.00	\$648.72	\$0.00	\$0.00	\$648.72
Assess any limiting factors for the proposed method	1	0.00	5.00	30.00	2.00	37.00	37.00	\$1,922.23	\$0.00	\$0.00	\$1,922.23
Describe the quality and control procedures	1	0.00	3.00	20.00	1.00	24.00	24.00	\$1,247.52	\$0.00	\$0.00	\$1,247.52
Provide any additional information	1	0.00	2.00	10.00	1.00	13.00	13.00	\$674.71	\$0.00	\$0.00	\$674.71
Subtotal	1	0.00	20.00	120.00	8.00	148.00	148.00	\$7,688.92	\$0.00	\$0.00	\$7,688.92
Delisting Petition (260.22)											
Provide general information on the laboratory conducting the tests	15	0.00	0.00	10.00	0.00	10.00	150.00	\$496.90	\$0.00	\$0.00	\$7,453.50
Provide detailed information on individuals sample and testing the waste samples	15	0.00	5.00	1.00	1.00	7.00	105.00	\$455.23	\$0.00	\$1,300.00	\$26,328.45
Provide the dates of sampling and testing	15	0.00	0.00	1.00	0.00	1.00	15.00	\$49.69	\$0.00	\$0.00	\$745.35

EXHIBIT 3 (Cont'd)

RULEMAKING PETITIONS

ANNUAL ESTIMATED RESPONDENT BURDEN AND COST

INFORMATION COLLECTION ACTIVITY	Number of Res- pondents	Legal Hours \$99.80/hr	Managerial Hours \$75.91/hr	Technical Hours \$49.69/hr	Clerical Hours \$25.99/hr	Respondent Hours/Year	Total Hours Per Year	Labor Cost Per Res- pondent	Capital Cost	O&M Cost	Total Cost Per Year
Provide information on the location of the facility	15	0.00	0.00	1.00	1.00	2.00	30.00	\$75.68	\$0.00	\$0.00	\$1,135.20
Describe the manufacturing processes or other operations and feed materials procuring the waste	15	0.00	5.00	100.00	1.00	106.00	1,590.00	\$5,374.54	\$0.00	\$0.00	\$80,618.10
Assess variability of generator's waste stream	15	0.00	0.00	100.00	0.00	100.00	1,500.00	\$4,969.00	\$0.00	\$0.00	\$74,535.00
Describe the waste	15	0.00	0.00	20.00	1.00	21.00	315.00	\$1,019.79	\$0.00	\$0.00	\$15,296.85
Estimate the average maximum monthly and annual quantities of waste covered by the demonstration	15	0.00	0.00	20.00	0.00	20.00	300.00	\$993.80	\$0.00	\$0.00	\$14,907.00
Provide pertinent data on discussion of factors per (261.11)(a)(3)	15	0.00	0.00	50.00	1.00	51.00	765.00	\$2,510.49	\$0.00	\$0.00	\$37,657.35
Describe the methodologies and equipment used for representative samples	15	0.00	0.00	40.00	1.00	41.00	615.00	\$2,013.59	\$0.00	\$26,000.00	\$420,203.85
Describe the sample handling and preparation techniques	15	0.00	0.00	20.00	1.00	21.00	315.00	\$1,019.79	\$0.00	\$0.00	\$15,296.85
Describe the tests performed and their results	15	0.00	0.00	1.00	1.00	2.00	30.00	\$75.68	\$0.00	\$4,500.00	\$68,635.20
Provide the name and model numbers of instruments used	15	0.00	0.00	1.00	1.00	2.00	30.00	\$75.68	\$0.00	\$0.00	\$1,135.20
Certify petition	15	0.00	1.00	0.00	0.00	1.00	15.00	\$75.91	\$0.00	\$0.00	\$1,138.65
Provide any additional information	15	0.00	4.00	25.00	0.00	29.00	435.00	\$1,545.89	\$0.00	\$0.00	\$23,188.35
Subtotal	15	0.00	15.00	390.00	9.00	414.00	6,210.00	\$20,751.66	\$0.00	\$31,800.00	\$788,274.90
Total: Rulemaking Petitions	varies	varies	varies	varies	varies	896.00	11,702.00	\$45,722.90	\$0.00	\$40,600.00	\$1,213,280.94

EXHIBIT 4
SOLID WASTE AND BOILER VARIANCE REQUIREMENTS
ANNUAL ESTIMATED RESPONDENT BURDEN AND COST

INFORMATION COLLECTION ACTIVITY	Number of Res- pondents	Legal Hours \$99.80/hr	Managerial Hours \$75.91/hr	Technical Hours \$49.69/hr	Clerical Hours \$25.99/hr	Respondent Hours/Year	Total Hours Per Year	Labor Cost Per Res- pondent	Capital Cost	O&M Cost	Total Cost Per Year
Solid Waste and Boiler Variance Requirements											
Variance from Classification as a Solid Waste (260.31)(a) and 260.33(a)											
Provide information on the manner in which the material is expected to be recycled	5	0.00	0.00	30.00	0.00	30.00	150.00	\$1,490.70	\$0.00	\$20.00	\$7,553.50
Explain why the petitioner has accumulated for one or more years without recycling 75% of the volume accumulated at the beginning of the year	5	0.00	0.00	5.00	0.00	5.00	25.00	\$248.45	\$0.00	\$0.00	\$1,242.25
Provide information on the quantity of material already accumulated and the quantity expected to be generated and accumulated before the material is recycled	5	0.00	0.00	24.00	0.00	24.00	120.00	\$1,192.56	\$0.00	\$0.00	\$5,962.80
Provide information on the extent to which the material is handled to minimize loss	5	0.00	0.00	6.00	0.00	6.00	30.00	\$298.14	\$0.00	\$0.00	\$1,490.70
Provide any additional relevant information	5	0.00	0.00	10.00	0.00	10.00	50.00	\$496.90	\$0.00	\$0.00	\$2,484.50
Subtotal	5	0.00	0.00	75.00	0.00	75.00	375.00	\$3,726.75	\$0.00	\$20.00	\$18,733.75
Variance From Classification as a Solid Waste (260.31)(b) and 260.33(a)											
Provide information on the economic viability of the production process using virgin materials solely, rather than reclaimed materials	5	0.00	0.00	40.00	0.00	40.00	200.00	\$1,987.60	\$0.00	\$20.00	\$10,038.00
Provide information on the industry-wide prevalence of the practice	5	0.00	0.00	20.00	0.00	20.00	100.00	\$993.80	\$0.00	\$0.00	\$4,969.00

EXHIBIT 4 (Cont'd)

SOLID WASTE AND BOILER VARIANCE REQUIREMENTS
ANNUAL ESTIMATED RESPONDENT BURDEN AND COST

INFORMATION COLLECTION ACTIVITY	Number of Res- pondents	Legal Hours \$99.80/hr	Managerial Hours \$75.91/hr	Technical Hours \$49.69/hr	Clerical Hours \$25.99/hr	Respondent Hours/Year	Total Hours Per Year	Labor Cost Per Res- pondent	Capital Cost	O&M Cost	Total Cost Per Year
Describe the extent to which the material is handled before reclamation to minimize loss	5	0.00	0.00	24.00	0.00	24.00	120.00	\$1,192.56	\$0.00	\$0.00	\$5,962.80
Describe the time between material generation and reclamation, and between reclamation and return to original primary production process	5	0.00	0.00	20.00	0.00	20.00	100.00	\$993.80	\$0.00	\$0.00	\$4,969.00
Detail the location of the reclamation operation and production process	5	0.00	0.00	1.00	0.00	1.00	5.00	\$49.69	\$0.00	\$0.00	\$248.45
Describe whether the reclaimed material is used for the purpose for which it was originally produced when returned to the original process	5	0.00	0.00	20.00	0.00	20.00	100.00	\$993.80	\$0.00	\$0.00	\$4,969.00
Describe whether the person who generates the materials also reclaims them	5	0.00	0.00	1.00	0.00	1.00	5.00	\$49.69	\$0.00	\$0.00	\$248.45
Provide any additional relevant information	5	0.00	0.00	20.00	0.00	20.00	100.00	\$993.80	\$0.00	\$0.00	\$4,969.00
Subtotal	5	0.00	0.00	146.00	0.00	146.00	730.00	\$7,254.74	\$0.00	\$20.00	\$36,373.70
Variance From Classification as a Solid Waste (260.31)(c) and 260.33(a))											
Provide information on the degree of processing the material has undergone and the degree of further processing that is required	5	0.00	0.00	40.00	0.00	40.00	200.00	\$1,987.60	\$0.00	\$20.00	\$10,038.00
Provide information on the value of the reclaimed material	5	0.00	0.00	16.00	0.00	16.00	80.00	\$795.04	\$0.00	\$0.00	\$3,975.20
Describe the degree to which the reclaimed material is like an analogous raw material	5	0.00	0.00	40.00	0.00	40.00	200.00	\$1,987.60	\$0.00	\$0.00	\$9,938.00

EXHIBIT 4 (Cont'd)

SOLID WASTE AND BOILER VARIANCE REQUIREMENTS
ANNUAL ESTIMATED RESPONDENT BURDEN AND COST

INFORMATION COLLECTION ACTIVITY	Number of Res- pondents	Legal Hours \$99.80/hr	Managerial Hours \$75.91/hr	Technical Hours \$49.69/hr	Clerical Hours \$25.99/hr	Respondent Hours/Year	Total Hours Per Year	Labor Cost Per Res- pondent	Capital Cost	O&M Cost	Total Cost Per Year
Describe the extent to which an end market for the reclaimed material is guaranteed	5	0.00	0.00	20.00	0.00	20.00	100.00	\$993.80	\$0.00	\$0.00	\$4,969.00
Describe the extent to which the reclaimed materials are handled to minimize loss	5	0.00	0.00	6.00	0.00	6.00	30.00	\$298.14	\$0.00	\$0.00	\$1,490.70
Report any additional relevant information	5	0.00	0.00	20.00	0.00	20.00	100.00	\$993.80	\$0.00	\$0.00	\$4,969.00
Subtotal	5	0.00	0.00	142.00	0.00	142.00	710.00	\$7,055.98	\$0.00	\$20.00	\$35,379.90
Variance for Classification as a Boiler (260.32 and 260.33(a))											
Describe the extent to which the unit has provisions for recovering and exporting thermal energy from steam, heated fluids, or heated gases	1	0.00	1.00	10.00	0.00	11.00	11.00	\$572.81	\$0.00	\$0.00	\$572.81
Describe the extent to which the combustion chamber and energy recovery equipment are of integral design	1	0.00	1.00	20.00	0.00	21.00	21.00	\$1,069.71	\$0.00	\$0.00	\$1,069.71
Describe the efficiency of energy recovery, calculated in terms of the recovered energy compared with the thermal value of fuel	1	0.00	1.00	20.00	4.00	25.00	25.00	\$1,173.67	\$0.00	\$0.00	\$1,173.67
Describe the extent to which exported energy is utilized	1	0.00	0.00	16.00	3.00	19.00	19.00	\$873.01	\$0.00	\$0.00	\$873.01
Describe the extent to which the devise is in common and customary use as a 'boiler' functioning primarily to produce steam, heated fluids, or heated gases	1	0.00	1.00	20.00	1.00	22.00	22.00	\$1,095.70	\$0.00	\$0.00	\$1,095.70
Provide any additional information, as appropriate	1	0.00	0.00	10.00	8.00	18.00	18.00	\$704.82	\$0.00	\$0.00	\$704.82
Subtotal	1	0.00	4.00	96.00	16.00	116.00	116.00	\$5,489.72	\$0.00	\$0.00	\$5,489.72
Total: Solid Waste and Boiler Variance Requirements	varies	varies	varies	varies	varies	479.00	1,931.00	\$23,527.19	\$0.00	\$60.00	\$95,977.07

EXHIBIT 5
EXCLUSIONS FROM THE DEFINITION OF HAZARDOUS WASTE
ANNUAL ESTIMATED RESPONDENT BURDEN AND COST

INFORMATION COLLECTION ACTIVITY	Number of Res- pondents	Legal Hours \$99.80/hr	Managerial Hours \$75.91/hr	Technical Hours \$49.69/hr	Clerical Hours \$25.99/hr	Respondent Hours/Year	Total Hours Per Year	Labor Cost Per Res- pondent	Capital Cost	O&M Cost	Total Cost Per Year
Hazardous Waste Exclusions											
Wastewater Exemption (261.3(a)(2)(iv))											
Demonstrate that a mixture contains wastewater subject to CWA regulation	2	0.00	4.00	16.00	8.00	28.00	56.00	\$1,306.60	\$0.00	\$5.00	\$2,623.20
Nonwastewater Exemption (261.3(c)(2)(ii)(C))											
Complete and submit notification and certification	1	0.00	1.00	1.00	1.50	3.50	3.50	\$164.59	\$0.00	\$10.00	\$174.59
Maintain documents in facility files	1	0.00	0.00	0.00	0.50	0.50	0.50	\$13.00	\$0.00	\$0.00	\$13.00
Exemption for Chromium-Containing Waste (261.4(b)(6))											
Demonstrate supporting hazardous waste exemption for waste containing chromium	1	0.00	4.00	16.00	8.00	28.00	28.00	\$1,306.60	\$0.00	\$5.00	\$1,311.60
Exemption for Samples (261.4(d)(2)(ii)(A))											
Collect and maintain information on the sample, the generator, and the collector	55	0.00	1.00	16.00	4.00	21.00	1,155.00	\$974.91	\$0.00	\$5.00	\$53,895.05
Exemption for Treatability Study Samples (261.4(e)(2)-(3))											
Collect, copy, file and maintain the required information	2	0.00	0.00	4.00	0.00	4.00	8.00	\$198.76	\$0.00	\$20.00	\$437.52
Report to EPA required information (in the Biennial Report)*	2	0.00	0.00	4.00	0.00	4.00	8.00	\$198.76	\$0.00	\$0.00	\$397.52
Prepare and submit a request for an increase of the quantity limit	1	0.00	1.00	4.00	1.00	6.00	6.00	\$300.66	\$0.00	\$0.00	\$300.66
Prepare and submit a request for an extension upto two-years for treatability studies involving bioremediation	1	0.00	1.00	4.00	1.00	6.00	6.00	\$300.66	\$0.00	\$0.00	\$300.66

EXHIBIT 5 (Cont'd)

EXCLUSIONS FROM THE DEFINITION OF HAZARDOUS WASTE

ANNUAL ESTIMATED RESPONDENT BURDEN AND COST

INFORMATION COLLECTION ACTIVITY	Number of Res- pondents	Legal Hours \$99.80/hr	Managerial Hours \$75.91/hr	Technical Hours \$49.69/hr	Clerical Hours \$25.99/hr	Respondent Hours/Year	Total Hours Per Year	Labor Cost Per Res- pondent	Capital Cost	O&M Cost	Total Cost Per Year
Exemption for Treatability Study Samples Undergoing Testing (261.4)(f)											
Notify the Regional Administrator	1	0.00	1.00	0.00	1.00	2.00	2.00	\$101.90	\$0.00	\$10.00	\$111.90
Maintain records for three years	1	0.00	0.00	0.00	1.00	1.00	1.00	\$25.99	\$0.00	\$5.00	\$30.99
Prepare and submit the annual report	1	0.00	2.00	10.00	4.00	16.00	16.00	\$752.68	\$0.00	\$10.00	\$762.68
Prepare and submit the termination letter	1	0.00	1.00	0.00	2.00	3.00	3.00	\$127.89	\$0.00	\$10.00	\$137.89
Total: Exclusions	varies	varies	varies	varies	varies	123.00	1,293.00	\$5,772.99	\$0.00	\$80.00	\$60,497.25

EXHIBIT 6
HAZARDOUS WASTE LISTING EXEMPTIONS
ANNUAL ESTIMATED RESPONDENT BURDEN AND COST

INFORMATION COLLECTION ACTIVITY	Number of Res- pondents	Legal Hours \$99.80/hr	Managerial Hours \$75.91/hr	Technical Hours \$49.69/hr	Clerical Hours \$25.99/hr	Respondent Hours/Year	Total Hours Per Year	Labor Cost Per Res- pondent	Capital Cost	O&M Cost	Total Cost Per Year
Hazardous Waste Listing Exemptions											
Hazardous Wastes from Non-Specific Sources (261.31(b)(2))											
Develop data and documents to support criteria for exemption	1	0.00	4.00	40.00	6.00	50.00	50.00	\$2,447.18	\$0.00	\$0.00	\$2,447.18
Maintain records	1	0.00	0.00	0.00	2.00	2.00	2.00	\$51.98	\$0.00	\$10.00	\$61.98
Subtotal	1	0.00	4.00	40.00	8.00	52.00	52.00	\$2,499.16	\$0.00	\$10.00	\$2,509.16
Deletion of Certain Hazardous Waste Codes Following Equipment Cleaning and Replacement (261.35)											
Prepare equipment cleaning or replacement plan	1	0.00	0.00	24.00	8.00	32.00	32.00	\$1,400.48	\$0.00	\$10.00	\$1,410.48
Prepare and maintain documentation supporting cleaning/replacement of equipment in accordance with plan	1	0.00	2.00	16.00	9.00	27.00	27.00	\$1,180.77	\$0.00	\$1,010.00	\$2,190.77
Certify that equipment was cleaned or replaced in accordance with plan	1	0.00	2.00	0.00	1.00	3.00	3.00	\$177.81	\$0.00	\$0.00	\$177.81
Subtotal	1	0.00	4.00	40.00	18.00	62.00	62.00	\$2,759.06	\$0.00	\$1,020.00	\$3,779.06
Total: Lists of Hazardous Waste	varies	varies	varies	varies	varies	114.00	114.00	\$5,258.22	\$0.00	\$1,030.00	\$6,288.22

EXHIBIT 7
TOTAL ANNUAL ESTIMATED RESPONDENT BURDEN

INFORMATION COLLECTION ACTIVITY	Number of Respondents	Number of Activities	Total Hours/Year	Total Labor Cost/Year	Total Annual Capital Cost	Total Annual O&M Cost
Reading the Regulations	330	1	3,630	\$222,100	\$0	\$0
Rulemaking Petitions	varies	2	11,702	\$1,172,681	\$0	\$40,600
Solid Waste and Boiler Variances	varies	4	1,931	\$95,917	\$0	\$60
Hazardous Waste Exclusions	varies	6	1,293	\$60,417	\$0	\$80
Hazardous Waste Listing Exemptions	varies	2	114	\$5,258	\$0	\$1,030
TOTAL ANNUAL BURDEN	330	15	18,670	\$1,556,373	\$0	\$41,770

RULEMAKING PETITIONS

Section 260.20 requires petitioners seeking to modify or revoke any provision in 40 CFR Parts 260 - 265 and 268 to submit specific information. EPA estimates that approximately 15 rulemaking petitions will be submitted every year (Exhibit 3).

Section 260.21 requires petitioners for equivalent testing or analytical methods to demonstrate to the satisfaction of the Administrator that the proposed method is equal to or superior to the corresponding method in terms of its sensitivity, accuracy, and reproducibility. EPA estimates that each year, one of the 16 rulemaking petitions submitted will be a petition for equivalent testing or analytical methods. The facility also is expected to comply with the §260.20 general requirements.

Section 260.22 requires petitioners seeking to amend 40 CFR Part 261 to exclude a waste produced at a particular facility to demonstrate that the waste does not meet any hazardous waste criteria. EPA estimates that approximately 15 of the 16 rulemaking petitions submitted annually will be delisting petitions for wastes produced at specific facilities. These facility also are expected to comply with the §260.20 general requirements.

SOLID WASTE AND BOILER VARIANCE REQUIREMENTS

Section 260.33 requires facilities that request variances from classification as a solid waste for specified recycled materials (e.g., speculatively collected materials) to address the criteria contained in §260.31 (Exhibit 4). EPA estimates that for each of the three types of variances described in section 260.31, five facilities will submit a request each year, for a total of fifteen variance requests.

Section 260.32 also requires persons requesting to classify as a boiler certain enclosed devices (using controlled flame combustion) to submit a demonstration addressing the criteria detailed in §260.32. EPA estimates that one facility will request this variance each year.

HAZARDOUS WASTE EXCLUSIONS

EPA estimates that two facilities will prepare a wastewater exemption under §261.3(a)(2) each year. EPA also estimates that an additional facility will submit a nonwastewater exemption under §261.3(c)(2), and one facility is expected to prepare a demonstration for chromium-containing waste each year (Exhibit 5).

EPA estimates that most of the samples shipped to or returned by a laboratory will be covered by Department of Transportation or U.S. Postal Service shipping requirements. EPA estimates that 55 samples per year will not be covered by these requirements and therefore will be subject to the information requirements specified in §261.4(d)(2)(ii)(A).

Section 261.4(e)(2) requires persons who generate or collect samples for the purpose of conducting treatability studies to comply with specific informational collections. EPA estimates that one facility will generate or collect treatability study samples every year, and therefore will need to collect and maintain information and report to EPA in the Biennial Report.

Section 261.4(e)(3) allows persons who generate or collect samples for the purpose of conducting treatability studies to petition to increase the quantity limits on treatability study samples. EPA estimates that one of the generators or collectors of treatability study samples will submit this request. Section 261.4(e)(3) also provides for a two-year extension for treatability studies involving bioremediation. EPA estimates that one of the generators or collectors of these samples will submit a request for an extension.

Section 261.4(f) requires testing facilities conducting treatability studies to comply with a number of informational requirement provisions. EPA estimates that one testing facility will conduct treatability studies annually; this facility must submit a notification, maintain records, submit an annual report, and submit a termination letter once testing has been completed.

HAZARDOUS WASTE LISTING EXEMPTIONS

EPA estimates that one facility will qualify for the §261.31(b)(2) sludge hazardous waste exemption. This facilities will maintain information supporting the criteria for exemption (Exhibit 6).

EPA estimates that one facility per year will develop equipment cleaning or replacement plans under §261.35, document cleaning or replacement in the facility operating record, and certify that procedures were followed.

6(e) BOTTOM LINE BURDEN HOURS AND COSTS

The bottom line burden to respondents over three years is 56,010 hours, with a cost of approximately \$4,699,134. The bottom line burden to the Agency is 38,259 hours, at a cost of \$1,263,450.

(I) Respondent Tally

As shown in Exhibit 7, EPA estimates a total respondent burden of 18,670 hours per year at a cost of \$1,556,373.

(ii) The Agency Tally

As shown in Exhibit 8, EPA estimates an annual Agency burden of 12,753 hours, at a cost of \$421,150 per year.

EXHIBIT 8**TOTAL ANNUAL ESTIMATED AGENCY BURDEN**

INFORMATION COLLECTION ACTIVITY	Number of Respondents	Number of Activities	Total Hours/Year	Total Labor Cost/Year
Rulemaking Petitions	16	2	10,227	\$344,812
Solid Waste and Boiler Variances	16	4	2,512	\$75,978
Hazardous Waste Exclusions	6	3	14	\$360
TOTAL ANNUAL BURDEN	38	9	12,753	\$421,150

(iii) Variations In the Annual Bottom Line

The only anticipated variations are for delisting petitions. During 1996 and 1997, seven new petitions or modifications were published in the Federal Register each year. Based on conversations with EPA staff and twenty delisting petitions currently under review with an additional nine sampling analysis plans and 12 facilities interested in submitting petitions identified, it is anticipated that the number of delisting petitions will increase to fifteen petitions being processed each year.

6(f) REASONS FOR CHANGE IN BURDEN

This ICR is a comprehensive description of the total respondent burden for all activities related to identification, listing, and rulemaking petition requirements. The aggregate burden for both the respondents and the Agency has decreased from the previous ICR. This decrease is a result of several major factors. First as the respondents have become more familiar with the process they have become more efficient and rely on consultants to preform a substantial portion of the work. Second, the responsibility for reviewing delisting petitions was delegated to the Regions from Headquarters in late 1995. The Regions reviewed less petitions as they had to find resources to review the petitions and become familiar with the process. Several of the Regions now have their programs established, while other Regions have not had any delisting petitions to review. Some of the Regions expect to see an increase in delisting petitions as the program becomes more efficient. If the number of delisting petitions reviewed in a year increases as projected, there will be a slight increase in cost due to inflation. EPA believes that the current estimates reflect an accurate portrait of the existing burden on the regulated community.

6(g) BURDEN STATEMENT

Exhibit 9 presents the average reporting and recordkeeping burden for each type of petition or demonstration submitted under provisions covered in this ICR. Each estimate includes time for reading the regulations, reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing and reviewing the collection of information, and submitting the information.

EXHIBIT 9

AVERAGE RESPONDENT BURDEN

Type of Petition or Demonstration	Average	Average
	Reporting	Record-
	Burden per	Burden per
	Respondent	Respondent
Equivalent Methods Petitions	482	11
Delisting Petition	748	11
Solid Waste Variance	121	11
Boiler Variance	116	11
Wastewater Exemption	28	11
Nonwastewater Exemption	4	11
Chromium Exemption	28	11
Exemption for Samples	21	32
Exemption for Treatability Study Samples	10	15
Exemption for Treatability Study Samples Undergoing Testing	21	12
Exemption for Waste from Non-Specific Sources	52	63
Equipment Cleaning and Replacement	57	73

Send comments regarding these burden estimates or any other aspect of this collection of information, including suggestions for reducing the burden, to Chief, Information Policy Branch, 2136, U.S. Environmental Protection Agency, 401 M St., S.W., Washington, D.C. 20460; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503, marked "Attention Desk Officer for EPA."